

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Oelrichs School District
Accountability Review - Focus Monitoring Report 2008-2009**

Team Members: Barb Boltjes, Team leader and Dave Halverson, Transition Liaison

Dates of On Site Visit: November 14, 2008

Date of Report: December 19, 2008

3 month update due: March 19, 2009

Date Received:

6 month update due: June 19, 2009

Date Received:

9 month update due: September 19, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION 1

Present levels: From report dated December 12, 2002
Out of compliance

ARSD 24:05:23:02 Psychological evaluator.

The monitoring team noted that James T. Snow signed the psychological evaluations as a clinical psychologist. The team requested a copy of Mr. Snow's certification as a school psychologist and the district did not have the certification in their file. Administrative rule states that the person who signs the psycho educational report must be a certified school psychologist.

Follow-up: November 14, 2008

Finding: Meets requirements

The district contracts with a school psychologist intern, who is supervised by a certified school psychologist through Black Hills Special Services Cooperative.

Corrective Action: None

ARSD 24:05:24:01. Referral.

While completing the self-assessment process, the steering committee determined that the referral process was arranged in an orderly and timely way and that families were pleased with the process. Through interviews with regular education and special education staff as well as administrators it is clear that a referral process exists. During the onsite visit, the monitoring team found that there was no written documentation of a referral in any of 10 student files. Administrative rule states a referral may be submitted verbally, however, this must be documented by the school district.

Follow-up: November 14, 2008

Finding: In two of eight students files reviewed, no documentation of referral was available in the student files 2 and 4.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
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Activity/Procedure: The district will meet to review and revise district procedures to ensure referrals are consistently documented in the student file.	May 1, 2009	District Special education director and special education staff	
Data Collection: The district will submit the date the team met and who attended the meeting. A copy of the districts revised procedures for ensuring documentation of referral in student files.			

Out of compliance

Present levels from December 12, 2002 report:

ARSD 24:05:04.02 Parent participation/input into the evaluation planning process.

ARSD 24:05:30:04 Prior notice and parent consent

ARSD 24:05:25:04.02 Determination of needed evaluation data

ARSD 24:05:25:04:04 Evaluation procedures

Through file reviews and interviews, the monitoring team determined that the special education staff does not have a clear understanding of the special education process beginning with referral through placement. In 50% of the files reviewed, the monitoring team found no information to support that the team determined evaluation data needed, there was no evidence of parent input into the evaluation process, prior notice and parent consent for initial evaluations and reevaluations were not found or not signed. Not all tests that were administered were listed on the consent and in two files; tests were administered but were not listed. Through staff interviews and file reviews, the monitoring team found the special education staff to be unfamiliar with the functional assessment requirement. District staff did not include functional information in the evaluation process or understand that this information was to be used for determining specific skill areas affected by the student's disability, the student's present levels of performance, their progress in the general curriculum or development of annual goals and short term instructional objectives.

Follow-up: November 14, 2008

Finding: The monitoring team determined parent participation and input into the evaluation planning process is not documented in student files 1, 2. Prior notice/consent for evaluation was not available in student file 2. No prior notice was given for IEP meeting for student file 1, 2. No multidisciplinary team report was available for student file 1. The monitoring team determined a comprehensive evaluation was not completed for student file 8. The student is an eligible child and is listed on the child count as specific learning disability. No adaptive behavior measure was administered, therefore, the student was not evaluated in all areas of suspected disability. Functional assessment information is gathered, however, it is not summarized into a written report and a copy provided to parents.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will meet with its evaluation team to review and revise district procedures to ensure that parents are included in the planning process for evaluation and are given clear and accurate	May 1, 2009	District special education director, and	

<p>information as to the areas that will be evaluated by the district to determine eligibility for special education services or special education and related services.</p> <p>2. The district will meet with its evaluation team to determine the process for ensuring all students are evaluated in all areas of suspected disability including the documentation of functional assessment.</p> <p>3. The district will meet and determine the process for including MDAT reports and prior notice for the meeting in the student files.</p> <p>Data Collection: The district will submit the date the evaluation team met and who attended the meeting. A copy of the districts revised procedures for ensuring:</p> <ol style="list-style-type: none"> 1. parent input into the evaluation process; 2. receipt of parent consent for all evaluations administered; 3. documentation of evaluation in all areas of suspected disability; 4. documentation of functional assessment; 5. documentation of MDAT reports; and 6. documentation of prior notice for meetings <p>In addition the district will chart all new referrals and reevaluations to establish the above (1-6) procedures have been corrected and submit the chart to SEP.</p>		special education staff	
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Out of compliance

Present levels from December 12, 2002 report:

ARSD 24:05:30:16.01 Transfer of parental rights addressed, one year prior to reaching age 18.

The monitoring team could not validate that the district provided notice to the student and parents about the upcoming transfer of rights. The monitoring team found three files where the notice of transfer of rights was not within the one-year timeline. Administrative rule requires the parent and student be notified of the transfer of rights at least one year prior to the student's 18th birthday.

Follow-up: November 14, 2008

Finding: Meets requirements

The monitoring team determined transfer of parental rights is addressed one year prior to age 18.

Corrective Action: None

Out of compliance

Present levels from December 12, 2002 report:

ARSD 24:05:27:01.01. IEP team.

The monitoring team could not validate appropriate membership at IEP meetings. The regular education teacher did not sign as a team member in 5 files reviewed.

Follow-up: November 14, 2008

Finding: Meets requirements

The monitoring team validated appropriate membership at IEP team meeting. Appropriate team members were invited to IEP team meetings and signatures were available on the IEP.

Through a review of four student files, data gathered by the team indicated accommodations/modifications were consistently provided in the student's instructional program, and accommodations identified in the IEPs for state/district wide assessment were consistently used during the assessment administration.

Corrective Action: None

Present levels from December 12, 2002 report:

ARSD 24:05:27:13.02. Transition services.

Transition services are to be a coordinated set of activities, designed within an outcome-oriented process, which promotes movement from school to post school activities. These activities must be based on the individual student's needs and takes into account the student's preferences and interests. Through documentation review, the monitoring team found 3 files where a transition evaluation was not considered or administered in order to design an outcome oriented process bases on the student's needs, preferences and interests. Based on the documentation found, the monitoring team determined this to be an area out of compliance for the district.

Follow-up: November 14, 2008

Finding: Meets Requirement

The monitoring team determined transition evaluations were completed and the information was used to develop an IEP which consider student's needs, preferences and interests.

Corrective Action: None